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REPORT

OF THE

NEW JERSEY COMMISSIONERS

CONCERNING THE

NORTHERN BOUNDARY LINE

BETWEEN THE

STATES OF NEW YORK AND NEW JERSEY.

TRENTON, N. J. :

JOHN L. MURPHY, BOOK AND JOB PRINTER.

1883.

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REPORT.

To His Excellency George C. Ludlow, Governor of the State of New Jersey:

SIR—The undersigned, Commissioners appointed by yourself, under the act entitled "An act appointing commissioners to locate the northern boundary line between the States of New York and New Jersey, and to replace or erect monuments therein," approved April 13th, 1876, and the supplement to said act, which was approved March 25th, 1881, beg leave to report that the work for which they were appointed is done, and they herewith submit a summary account of their proceedings, and they present for deposit in the archives of the State:

1. A report upon the terminal monuments of the northern boundary line of New Jersey, as made by a committee of the Joint Boundary Commission.

2. A copy of the instructions given to the surveyors, for their guidance in resurveying the boundary line, and setting the several monuments upon it. (Copied into book 5.)

3. The surveyors' report of their work upon the line and its monuments.

4. The field notes of the survey of the New York and New Jersey boundary.

5. A description of the several monuments which were set upon the boundary line by the surveyors.

6. A topographical map of the country adjacent to the boundary line, with the line and its monuments correctly placed upon it.

7. An account of all the expenses incurred in the work, with vouchers for the same.

The Commissioners had their first meeting at the Governor's rooms, in Trenton, on the 5th of May, 1881; and organized by the appointment of Abraham Browning, President, and Geo. H. Cook, Secretary.

The business intrusted to their care was taken into consideration, and the principles which should guide in conducting it were discussed. It was considered wise to examine the subject farther, and to hold another meeting before coming to a conclusion. The meeting then adjourned.

On the 8th of July, another meeting was held at the State House, in Trenton, at which all the Commissioners were present. It was considered that the line which was run and marked by the Joint Commissioners of New York and New Jersey, in 1774, and had ever since been accepted as the boundary, must still be recognized as the true line of partition between the two States. And that the proper course for this Commission was to unite with that from New York, in fixing the monuments which remain upon the original line, and in restoring those which are lost. The meeting was then adjourned, to meet with the New York Commissioners at such time as may be agreed upon.

The Joint Commission met at Piermont, on the 20th of July, 1881. At this meeting there were present, Abraham Browning, Thomas N. McCarter and Geo. H. Cook, Commissioners for the State of New Jersey, and Henry R. Pierson and Elias W. Leavenworth, Commissioners for the State of New York, together with David Murray, Secretary of the Board of the New York State University; Chauncey M. Depew, the third Commissioner from the State of New York was not present.

The members organized as a Joint Commission, by the appointment of Abraham Browning, President, and David Murray, Secretary. After a review of the data in hand, to guide them in the discharge of their duties, it was concluded by all that the principles enunciated in the decisions of the United States Supreme Court, in cases like this, should guide here. And that the boundary line in question between the two States, though not perfectly straight, as ordered in the description made by the Commission of 1769, is the line which was run by the Commissioners and their surveyors in 1774, and most of the monuments set by them to mark it are still in their places; and that

this line, so long established and recognized, must still be accepted as the true one. And in accordance with this conclusion the duties of the Commission are limited to the restoration of monuments lost, to a careful adjustment of all the monuments, to an accurate measurement of the line, and fuller description and references for all its permanent marks.

It was also resolved that Edward A. Bowser, surveyor, who made a reconnoissance of the line in 1874, for the State Geologist of New Jersey, be in charge of said work, in concurrence with a surveyor to be appointed by the New York Commission; and that these surveyors should at once proceed to examine the line, and ascertain the number and character of the monuments required, and report the same, with such recommendations as they may deem proper, to the Joint Commission for further action. The meeting then adjourned.

The New York Commission appointed H. W. Clarke as their surveyor. And Prof. Bowser and Major Clarke, according to their instructions, examined the line and reported their conclusions and recommendations to the Commissioners at their next meeting, which was held at the St. Nicholas Hotel, in New York City, November 30th, 1881.

At this meeting were present Gen. Leavenworth, Mr. Depew and Prof. Murray, on the part of New York, and Mr. Browning, Mr. McCarter and Prof. Cook, on the part of New Jersey. The report of the surveyors was received and discussed, and the following instructions prepared for their guidance in surveying the line and setting its monuments:

1. You are to proceed with the work at as early a date in the spring as the season will permit, and to continue such work until the same is complete.

2. You are to determine, as nearly as practicable, the location of the old boundary monuments, and where these are still in existence you are to reset them in a substantial manner in their original location; and you are to establish at each mile interval a new monument of the form hereinafter described; and in case the old monument still remains at any point, you are to place the new monument on the east side and contiguous to the old monument, and in line therewith.

3. Where one or more of the old mile monuments on any part of the line is missing, and its original location cannot otherwise be

determined, you are to run a straight line between the nearest adjacent mile points whose locations are known, and on this straight line and at the proper interval or intervals, you are to establish the new monument or monuments.

4. You are to establish at each highway, and at each line of railway crossed by the boundary line and in a straight line between the nearest adjacent mile monuments, a road monument of the form hereinafter described, said monument to be placed in a conspicuous but secure location at the side of the highway.

5. The mile monuments hereinbefore referred to are to be of granite, 4 feet long, the top dressed 6 inches square and for a distance down of 6 inches; upon one side to be cut the letters N. Y. and upon the opposite N. J.; upon a third side a number corresponding to the number of the original mile monument; quarter inch grooves to be cut at right angles across the center of the top, parallel to the sides.

6. The road monuments hereinbefore referred to are to be of the same material as the mile monuments; but to be $4\frac{1}{2}$ feet in length, and 6x12 inches in cross section, and dressed at the top for a distance of 1 foot, and they are to be marked in the same way, except that they shall not be marked with numbers.

7. The excavations made to receive the monuments are to be sunk so that, in the case of the mile monuments, only 6 inches, and in the case of the road monuments 12 inches, of the top shall project above the surface of the ground. The monument is to be secured in its proper place by packing broken stone in the excavation around it.

8. Special terminal monuments are to be set at or near the end of the line on the Hudson and Delaware rivers. The plan for the said monuments and the method of setting them, as well as the location of the same, are to be determined by a sub-committee of the Joint Commission, consisting of Commissioner Leavenworth, of New York, and Commissioner Cook, of New Jersey; and you are to set, in a substantial and permanent manner, such monuments provided by said commissioners.

9. You are to keep a record of the work done in remarking this boundary, in which shall be given, among other things, descriptions of

the several monuments, together with their underground marks, nature of the soil, their surroundings, and temporary witness marks which may serve to identify their location. These records are to be made out in duplicate; one copy for New York, and one for New Jersey.

10. You are also to prepare an accurate topographical map of the line, upon which the exact positions of the monuments are to be indicated; and this map is to be duplicated so that one copy may be furnished to the Commissioners of New York, and one copy for the Commissioners of New Jersey.

11. You are also to prepare a full report of your work in surveying and remarking the line, giving such particulars as to the history of the line, the mode of settling doubtful points, and such descriptions of the monuments, their location and their surroundings, as will serve to make a complete record of the boundary line; and this report must be prepared in duplicate, so that one copy may be furnished to the Commissioners of New York, and one copy to the Commissioners of New Jersey.

12. You are to keep accurate and detailed accounts of the expenses incurred in the prosecution of your work, and take quadruplicate vouchers therefor. You are to present, as often as once in each month, an abstract of these expenses, in duplicate, charging to each State the one-half of such expenses; one copy for each of the States accompanying each abstract, with duplicate vouchers of each of the items therein.

13. You will be authorized to draw in advance for funds with which to meet the current expenses of your work—one-half from each State; such advances to be accounted for in your monthly statements; drafts for New York to be made on David Murray, Secretary; and drafts for New Jersey to be made on George H. Cook, Secretary.

14. In the event of a serious doubt as to the proper location for any one of the proposed monuments, or of a disagreement between the two surveyors as to such location, the question in doubt or dispute is to be submitted to the Joint Commission, and to be decided, after investigation and consultation, by mutual agreement.

In addition to the 116 monuments required for the mile, highway, railway and other markings, it was decided that more substantial and

conspicuous monuments should be placed at or near the two ends of the line; and that contracts should be made for them at an early day, so as to have them ready whenever they may be needed; also, that as much as possible of the work should be done in the spring of 1882, before the trees should become clothed with their leaves. The meeting then adjourned.

The survey of the line was begun on the 6th of April, 1882, and completed on the 14th of June following; and the resetting of the old monuments, and the setting of new and additional ones, was begun on the 24th of June and completed on the 11th of August.

The old mile-stones were made of the stone found in the country; they were about 4 feet long, from 15 to 18 inches wide, and from 5 to 7 inches thick; about 18 inches of their length was under the surface, leaving them standing about $2\frac{1}{2}$ feet high; and their breadth was in the direction of the line. The words "New York" were cut on the north side of each stone, and "New Jersey" on the south side; and the number of miles from the east end of the boundary was also cut on them.

Of the 48 original mile-stones, all except 6 were found; these were the 26th, 31st, 34th, 36th, 41st and 47th. The 26th falls in Greenwood lake, and no attempt was made to set one there. The other missing stones were replaced according to the instructions, except the 36th, which was reset according to the very plainly marked property lines.

In the rough country over which the line runs, the original measurements for the miles could not be very accurate. The following tabular statement gives the length in feet of the spaces between the old mile-stones:

MILE-STONES.

Mile-stone.	Distance west from preceding mile-stone, in feet.	Location. (The figures are for feet.)
I.	5,628.2	971' east of Rockland road, on west slope of Palisade mountain.
II.	5,296.9	1,501' east of Northern railroad, in Tappan timber swamp.
III.	5,304.6	584' east of summit of Andre hill, Tappan.
IV.	5,241.1	On slight elevation, 2,419' east of Neuvy and Orangeburg road.
V.	5,261.3	In woods, 50 paces west of clearing, 2,842' west of above road.
VI.	5,225.2	On east slope of hill, 927' west of road, and 2,800' west of Hackensack R.
VII.	5,241.1	Just east of summit of ridge, 1,640' east of New Jersey and New York railroad.
VIII.	5,251.1	250 paces west of Pascack creek, 120 paces east of road.
IX.	5,284.2	North of Upper Montvale church, 109' west of road to Monsey.

le-stone.	Distance west from preceding mile-stone, in feet.	Location. (The figures are for feet.)
X.	5,286.7	North of Chestnut Ridge church, 318' west of road to Monsey.
XI.	5,267.6	About 100 yards west of Saddle river, 1,217' west of Saddle River road.
XII.	5,269.8	At west, foot of hill, 1,186' west of road from Saddle River to Sufferns.
XIII.	5,298.	West slope of hill, 673' east of road from Ramsey's to Tallman's.
XIV.	5,298.2	About 400 yards west of summit of high ridge, 1 mile east of Sufferns.
XV.	5,280.	441' west of Erie railroad, and about 3,000' southeast of Sufferns station.
XVI.	5,363.	200 yards due south of a rocky knob of Ramapo mountain, 1 mile northwest of Sufferns.
XVII.	5,141.6	Southeast edge of small clearing, about three eighths mile southwest of Log chapel.
XVIII.	5,301.2	Half-way down west slope of Ramapo mountain, in open field.
XIX.	5,137.9	Near top of ridge and 60 paces east of road, between Negro and Shepherd ponds.
XX.	5,227.4	In wet meadow, 2,000 feet northwest of Shepherd's pond, 80 paces west of woods.
XXI.	5,202.9	100 paces east of road from Ringwood to Snyder mine, west slope.
XXII.	5,258.5	About 300 yards southeast of summit, on southeast slope of Black Rock mountain.
XXIII.	4,585.9	In swamp at east foot of Beech mountain, 1,000' N. 26° E. from Morris' house.
XXIV.	5,197.3	West side of wood road, half-way down west slope of Beech mountain.
XXV.	5,247.4	About 100 yards west of wood road, in depression in ridge east of Greenwood lake.
XXVI.	5,282.2	On east edge of a point of land on west shore of Greenwood lake.
XXVII.	5,047.5	On Bearfort mountain, 300 yards west of highest ridge.
XXVIII.	5,161.1	On east slope of steep hill, 1,295' east of a by-road to Warwick.
XXIX.	5,232.8	Half-way down west slope of hill, 1,813' east of Warwick turnpike.
XXX.	5,325.7	On top of mountain, 1,020' east of road from Green mine.
XXXI.	5,280.	On west slope of mountain, 1,000' northerly from Layton mine.
XXXII.	5,317.	West of Vernon and N. Milford road, 75 paces northwest of Welling's main barn.
XXXIII.	5,356.	740' west of road from Vernon to Edenville, property of A. Ely.
XXXIV.	5,280.	In swampy field, on land of Mr. Layton, east of Pochuck meadow.
XXXV.	5,351.	On Pochuck meadow, 700' east of road from Glenwood to Pine island.

Mile-stone.	Distance west from preceding mile-stone, in feet.	Location. (The figures are for feet.)
XXXVI.	5,280.	East slope of Pochuck mountain, 40 paces southwest of Daniel Bailey's house.
XXXVII.	5,147.6	In ravine, between two peaks of Pochuck, north edge of a swamp.
XXXVIII.	5,247.5	On Drowned Lands, 1,596' west of Liberty Corner road.
XXXIX.	5,278.7	50 paces from the foot of the first ridge west of the Walkill.
XL.	5,229.9	200 paces southeast of Kimber's mill, 500 paces east of New York, Susquehanna and Western railroad.
XLI.	5,280.	200 paces southwest of Aliakim Everitt's barn, Unionville.
XLII.	5,262.	1 yard west of a white oak between Benjamin and Goldsmith, Unionville.
XLIII.	5,270.	In Jos. L. Clark's line fence, 1,014' east of road.
XLIV.	5,304.7	In swampy meadow, 1,619' west of road running north from Mount Salem.
XLV.	5,301.7	Southwest corner of woods, 34 paces northeast of Widow Taylor's house.
XLVI.	5,233.4	200 paces west of east summit of Blue mountain.
XLVII.	5,280.	West edge of wood road, on west slope of Blue mountain.
XLVIII.	5,139.7	Top of "Hog Back," 300 paces east of road to Port Jervis.
Tri-States rock.	} 2,512.9	In fork of the Delaware and Navesink.

The line was run in 1774 by the compass and chain, and when most of the land was in wood. Its errors are owing to imperfect instruments, to local attraction and to the fact that any long line in this latitude run with a compass on one course, not north and south, between two fixed points, will necessarily have a curve towards the south in it; and the extremely rough and mountainous country over which the line passes is sufficient cause for the inaccurate measurement of distances, except in the case of the 23d mile, in which there is evidently an error of 10 chains in the count.

The magnetic bearing of the line is about north 50° west; some of the miles, as the 1st, being north $49^{\circ} 40'$ west, and the 24th being north 54° west, which is the largest variation from the general course. By means of the drawings and descriptions given in the map and record books, the line may be easily found, and any of its parts resurveyed.

The description of the old and the new terminal monuments is given in the following report to the Joint Commission:

"The undersigned, a committee appointed by your Board to ascertain and mark, by substantial and permanent monuments, the terminal

points of said boundary, have discharged the duties assigned them and herewith report somewhat in detail the work done.

"The boundary line in question was settled by a Commission appointed by the king of Great Britain, and the final decision rendered in 1769 was 'That the boundary or partition line between the said Colonies of New York and New Jersey, be a direct and straight line from the Delaware river at the fork at the mouth of the Mahackamack, in the latitude* of $41^{\circ} 21'$ and $37''$, to Hudson's river, at a rock (on the bank of said river) in the latitude of 41° , as above described.'

"The Mahackamack river is now known as the Neversink, and the fork at the mouth of it is the south point of Laurel Grove Cemetery. It is a bare lime-stone rock, with its upper surface near the high-water mark at the confluence of the two streams above mentioned. It was early marked by a crow-foot cut into the rock, on its upper face. The mile monuments on the boundary line, which were set by the Joint Commission of the two States in 1774, are in range with it, and the traditions of the country people have always recognized it as the western station point of the boundary. The mark was very plain in 1874, though its cut edges were somewhat smoothed by the exposure of an hundred years. In 1874 the U. S. Coast and Geodetic Survey, at the request of the Geological Survey of New Jersey, determined accurately the latitude and longitude of this point, and, at the close of the work, marked it by drilling a deep hole in the rock and fastening in it a copper tube filled with lead, and setting and describing proper witnesses of its location. The station point, according to this determination, is in latitude $41^{\circ} 21' 22.63''$ north; longitude $74^{\circ} 41' 40.70''$ west from Greenwich.

"This point we have now marked by setting in the solid rock a large pillar or monument of granite. This pillar is in one piece, $11\frac{1}{2}$ feet long, and with a cross section of something over one foot by two feet; it weighs nearly three tons, and is set four feet down in an accurately cut hole in the rock, and fastened with cement mortar; and is further supported for a foot and a half more by building stone and hydraulic mortar around it; the remaining portion (six feet) is hammer-dressed, and marked on two of its sides. The words 'Boundary Monument,' and the date, '1882,' are cut on both sides.

*The latitudes mentioned in this description were determined by order of this Commission and for its use. The work is said to have been done by David Rittenhouse, of Philadelphia, who was acknowledged to be the leading astronomer of the continent.

“The north side is further marked—

NEW YORK.

HENRY R. PIERSON,
CHAUNCEY M. DEPEW,
ELIAS W. LEAVENWORTH,
Commissioners.

H. W. CLARKE,
Surveyor.

“The south side is further marked—

NEW JERSEY.

ABRAHAM BROWNING,
THOMAS N. MCCARTER,
GEORGE H. COOK,
Commissioners.

E. A. BOWSER,
Surveyor.

“The drawing given shows the form and dimensions of the monument. The location of the monument is particularly favorable for its protection from mutilation; and solid material and setting give promise of durability and permanency.

“The eastern end of the boundary, in the description given by the Commission of 1769, is said to fall ‘at a rock on the west side of Hudson’s river, marked by said surveyors, being 79 chains and 27 links to the southward on a meridian from Sneyden’s house, formerly Corbet’s.’ It was described in the report of the Joint Boundary Commissioners of the two States in 1774, as ‘that the rock on the west side of Hudson’s river marked by the surveyors (of the Royal Commission of 1769) in the latitude of 41° , we have marked with a straight line through its surface, passing through the place marked by said surveyors, and with the following words and figures, to wit: ‘Latitude 41° north,’ and on the south side thereof the words ‘New Jersey,’ and on the north side thereof the words ‘New York.’”

“The rock above described is still in place. It is about a mile below Sneden’s landing, on the west bank of the Hudson, and about six inches above high-water mark, and at the foot of the north end of the Palisades. It is a long four-sided block of trap-rock, lying upon one of its sides. It is seven feet six inches long, three feet two inches high, and four feet wide. The marks cut on it in 1774 are still plain and legible. The ‘straight line through its surface’ is a vertical line

two feet from its north end. It lies 313.21 feet, S. $18^{\circ} 44'$ W., from the United States Coast Survey Station *Duer*; and from the determinations of that survey it is in latitude $40^{\circ} 59' 48.17''$ north; longitude $73^{\circ} 54' 11''$ west from Greenwich.

"By estimation, the rock weighs nearly eight tons, so that it is not likely to be moved by accident; and it has not suffered from the action of the elements during the 113 years since it was first marked; but it lies immediately under the Palisades, where it is liable to be buried under the debris which falls from the rocks above; and there is danger of its destruction or removal in the progress of projected changes and improvements on the bank of the river. To avoid any danger to arise from its loss, and also to mark more conspicuously the terminus of the line, a pillar or monument of granite, similar to the one on the Delaware, and marked in the same way, has been set up on the boundary line where it crosses the highest part of the Palisades; it is 488 feet from the marked rock on the bank of the river, and is 463 feet above tide level; it is of the same dimensions as that at the west end of the boundary, and it is set in the solid trap-rock of the mountain in the same way as that; it stands opposite a point on the Hudson River Railroad midway between Dobbs' Ferry and Hastings, and the boundary line, if extended across the Hudson, would cross the railroad near the tall, old chimney south of Hastings. By clearing away bushes, the monument is in plain sight of the east bank of the Hudson from near Sing Sing almost to Yonkers; it is also in sight on the boulevard at the west foot of the mountain, and near where the boundary crosses it. The monument stands on the property of the Palisades Land Company.

"These terminal monuments are of such durable material, and so firmly set, and are objects of such public attention and interest, that they seem little liable to destruction and loss.

"The granite was furnished from the quarries at Westerly, R. I., by M. J. French, of Syracuse, N. Y., and that on the Palisades was set by him. The one on the Delaware was set by Galen Bennett, of Port Jervis, N. Y.

"The contract price for delivering the monuments, dressed and lettered, at Jersey City, was \$350.

"The cost of setting that on the Palisades, which was in a place wild, rocky and difficult of access, including freight from Jersey City, was \$261.

"The cost of setting that at the Delaware, including freight, was \$92.64.

"The cost of clearing road and grounds at Palisades was \$30.

"The setting of the monuments has been delayed by a singular mistake of the Erie Railway officials, in sending them to Erie, Pennsylvania, so that several weeks passed before they were found and returned.

"Respectfully submitted,

"GEO. H. COOK,

"E. W. LEAVENWORTH,

"November 17th, 1882.

"Committee."

In conclusion, the Commissioners would report that they have discharged the duties intrusted to them in such manner that they believe the line is plainly and permanently marked, so that it can, if necessary, be easily retraced and verified throughout its whole length, or in any of its parts.

The Joint Commission have visited the line and examined the monuments, and consider the work to be well and substantially done.

It is due to the surveyors and assistants to report that their work has been faithfully and intelligently done, and that it meets our hearty approval.

The Commissioners from New York, and their Secretary, have met us most cordially; our discussions have been free, and the conclusions reached have been with the full concurrence of all the members of both Commissions.

The total expense incurred by the New Jersey Commissioners for this work, is \$2,533.42, for all of which we submit an abstract and accompanying vouchers.

A. BROWNING,

THOMAS N. McCARTER,

GEO. H. COOK,

Commissioners.

AGREEMENT.

An agreement, made the seventh day of June, in the year eighteen hundred and eighty-three, between Henry R. Pierson, Elias W. Leavenworth and Chauncey M. Depew, Commissioners on the part of the State of New York, and Abraham Browning, Thomas N. McCarter and George H. Cook, Commissioners on the part of the State of New Jersey.

WHEREAS, By the first Section of Chapter CCCXL. of the Laws of the State of New York, for the year 1880, it was recited, among other things, that whereas, by an Act of the Legislature, passed the twenty-sixth day of May, eighteen hundred and seventy-five, the Regents of the University of the State of New York were authorized and directed, in connection with the authorities of Pennsylvania and New Jersey, respectively, to replace any monuments which have become dilapidated or been removed on the boundary lines of those States, and it was thereby declared that the lines originally laid down and marked with monuments by the several Joint Commissioners duly appointed for that purpose, and which have since been acknowledged and legally recognized, by the several States interested, as the limits of their territory and jurisdiction, are the boundary lines of said States, irrespective of want of conformity to the verbal descriptions thereof.

And, by the second section of the same chapter of the Laws of the State of New York, the said Regents were authorized and empowered to designate and appoint three of their number as Commissioners to meet such Commissioners as may have been or may be appointed on the part of the States of Pennsylvania and New Jersey, or either of them, and with such last-named Commissioners, as soon as may be, to proceed to ascertain and agree upon the location of said lines as origin-

ally established and marked with monuments; and in case any monuments are found dilapidated or removed from their original location, said Commissioners are authorized to replace them in a durable manner in their original positions, and to erect such additional monuments at such places on said lines as they may deem necessary for the proper designation of the boundary lines of said States;

AND WHEREAS, ALSO, The above-named Henry R. Pierson, Elias W. Leavenworth and Chauncey M. Depew have been duly designated and appointed by the said the Regents of the University of the State of New York, Commissioners on the part of said State for the purposes mentioned in the said act;

AND WHEREAS, ALSO, By an act of the Legislature of the State of New Jersey, entitled "An act appointing Commissioners to locate the northern boundary line between the States of New York and New Jersey, and to replace and erect monuments thereon," approved April 13th, 1876, the Governor of the State of New Jersey was authorized to appoint three Commissioners, with power, on the part of said State of New Jersey, to meet any authorities on the part of the State of New York who may be duly authorized, and with them to negotiate and agree upon the true location of the said boundary line between the States of New York and New Jersey, and also to replace any monuments which may have become dilapidated or been removed on said boundary lines, and to erect new ones, which agreement it was thereby enacted should be in writing, and signed and sealed by the authorities of the State of New York and the Commissioners of the State of New Jersey;

AND WHEREAS, The above-named Abraham Browning, Thomas N. McCarter and George H. Cook have been duly appointed Commissioners on the part of the State of New Jersey under said act;

AND WHEREAS, By a supplement to the last said act, approved on the 25th day of March, 1881, the Commissioners under the last said act were, in addition to the authority conferred by the last said act, also authorized, in their discretion, to proceed to ascertain and agree upon the location of the northern boundary line between the States of New York and New Jersey, as originally established and marked with monuments; and in case any monuments are found dilapidated or removed from their original location, said Commissioners were authorized to renew and replace them in a durable manner in their original positions, and to erect such additional monuments at such places on

said line as they may deem necessary for the proper designation of the boundary line of said States ;

AND WHEREAS, The said Commissioners, acting for and on behalf of their respective States, have entered upon the performance of the duties imposed upon them by the said acts, and have, in pursuance of the authority to them severally given as aforesaid, agreed, and hereby do agree, as follows :

First. The line extending from the Hudson river on the east to the Delaware river on the west, as the same was laid down and marked with monuments in 1774 by William Wickham and Samuel Gale, Commissioners on the part of the then Colony of New York, duly appointed for that purpose in pursuance of an act of the Assembly of the Colony of New York, passed on the sixteenth day of February, 1771, entitled "An act for establishing the boundary or partition line between the Colonies of New York and Nova Cæsarea, or New Jersey, and for confirming titles and possession," and John Stevens and Walter Rutherford, Commissioners on the part of the then Colony of New Jersey, duly appointed in pursuance of an act of the Assembly of the Colony of New Jersey, passed on the twenty-third day of September, 1772, entitled "An act for establishing the boundary or partition line between the Colonies of New York and Nova Cæsarea, or New Jersey, and for confirming titles and possession," which said line has since been acknowledged and recognized by the two States as the limit of their respective territory and jurisdiction, shall, notwithstanding its want of conformity to the verbal description thereof, as recited by said Commissioners, continue to be the boundary or partition line between the said two States ;

Provided, that wherever upon said line the location of one or more of the monuments erected by said Commissioners in 1774 has been lost, and cannot otherwise be definitely fixed and determined, then and in that case, and in every case where it is required to establish intervening points on said line, a straight line drawn between the nearest adjacent monuments, whose localities are ascertained, shall be understood to be, and shall be, the true boundary line.

Second. The monumental marks by which said boundary line shall hereafter be known and recognized are hereby declared to be : *first*, the original monuments of stone erected in 1774, along said line by

the Commissioners aforesaid, as the same have been restored and re-established in their original positions by Edward A. Bowser, surveyor on the part of New Jersey, and Henry W. Clarke, surveyor on the part of New York, duly appointed by the parties hereto; *second*, the new monuments of granite erected by the aforesaid surveyors at intervals of one mile, more or less, along said line, and numbered consecutively, beginning from the Hudson river, and severally marked on the northerly side with the letters N. Y., and on the southerly side with the letters N. J.; and *third*, the monuments of granite erected by the aforesaid surveyors at intervening points on said line at its intersection with public roads, railroads and rivers, and severally marked by them on the northerly side with the letters N. Y., and on the southerly side with the letters N. J.; and *fourth*, the terminal monuments erected at the western terminus of said line at the confluence of the Delaware and Navesink rivers, and the terminal monument erected on the brow of the rock called the Palisades, near the eastern terminus, and the rock lying and being at the foot of the Palisades on the bank of the Hudson river, and marked as the original terminal monument of said line established in 1774, as the same are described in a joint report made to the parties hereto by Elias W. Leavenworth, Commissioner on the part of New York, and George H. Cook, Commissioner on the part of New Jersey.

Third. The field-books of said surveyors, containing the descriptions of the locations, of the several monuments erected by them, and of the witness marks thereto, the report of said surveyors containing the account of their work in ascertaining and marking said line, together with the topographical map of said line and the vicinity thereof, and the several documents and books of record containing the transactions of the parties aforesaid, having been duly authenticated and attested by the signatures of the said Commissioners, and placed on file in the offices of the Secretaries of State of the two States, shall constitute the permanent and authentic records of said boundary line, and are hereby adopted by the parties hereto, and made part of this agreement.

Fourth. This agreement shall become binding on the two States when confirmed by the Legislatures thereof, respectively, and when confirmed by the Congress of the United States.

IN WITNESS WHEREOF, the said Commissioners have hereto set their hands and seals, in duplicate, this seventh day of June, in the year of our Lord one thousand eight hundred and eighty-three.

HENRY R. PIERSON, [L. S.]
E. W. LEAVENWORTH, [L. S.]
CHAUNCEY M. DEPEW, [L. S.]

A. BROWNING, [L. S.]
THOMAS N. McCARTER, [L. S.]
GEO. H. COOK, [L. S.]

Executed in the presence of—

Witness as to H. R. Pierson,
A. C. JUDSON, Albany.

As to Commissioners of New Jersey,
B. WILLIAMSON.

Witness to the signature of E. W. Leavenworth,
A. F. LEWIS.

As to Chauncey M. Depew,
W. I. VANARSDALE.

NOTE.—This agreement is also filed in the office of the Secretary of State with the other papers relating to the boundary.

JUN 20 1908



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JUN 73



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INDIANA

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